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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,721	03/28/2000	Toshiaki Hongoh	PM 266959	5386
909	7590	11/12/2003	EXAMINER	
PILLSBURY WINTHROP, LLP			CROWELL, ANNA M	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			1763	

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/536,721

Applicant(s)

HONGO, TOSHIKI

Examiner

Michelle Crowell

Art Unit

1763

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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GREGORY MILLS
SUPERVISORY PATENT EXAMINER
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Continuation of 5. does NOT place the application in condition for allowance because: applicant's arguments are not persuasive.

1. Applicant has argued that Orezyk et al. fails to disclose, teach, or suggest a slot electrode or a wavelength reducing member much less a temperature control device constructed and arranged to control a temperature of at least one of the slot electrode and component parts including the wavelength reducing member (see arguments from office action mailed 09-05-03). Additionally, claim 1 is not limited to controlling the temperature of only the slot electrode, and does not preclude controlling other component parts such as dielectric. Furthermore, since a dielectric is provided in the vicinity of the slot electrode, the temperature of the slot electrode is controlled. Thus, as broadly claimed the apparatus of Ishii et al. in view of Orezyk et al. satisfies the claimed requirement.
- 2.. Applicant has argued that Orezyk et al. that controlling the temperature of the dome allows to eliminate influence of water on a substrate during processing. The motivation to control the temperature does not have to be the same as the claimed invention.
3. Applicant has argued that there is no motivation to replace the cooling fins of Ishii et al. with the heater plate and cold plate of Orezyk et al. (see arguments from office action mailed 09-05-03). The motivation to combine reference does not have to be the same as the claimed invention.
4. Applicant has argued that neither Ishii et al. nor Orezyk et al. disclose, teach, or suggest a temperature range between 60°C and 80°C (see arguments from office action mailed 09-05-03).
5. Applicant has argued that Shirasago et al. teaches away from cooling an electrode plate. Shirasago et al. was applied to teach a fluid controller. Trow et al. teaches a temperature control plate with fluids. Thus, the combination yields a temperature control device that controlling the amount of fluid to a temperature control plate. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
6. Applicant has argued that Trow et al. does not teach controlling the temperature of a slot electrode and/or wavelength reducing member. Trow et al. was applied to teach a temperature control plate with fluids which can be provided in the vicinity of a slot electrode and/or wavelength reducing member.

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